

Membership Balance Plan
Ocean Research Advisory Panel

Agency: Department of Defense (DoD)

1. Authority: The Secretary of Defense, pursuant to 10 U.S.C. § 7903 and in accordance with the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended) and 41 C.F.R. § 102-3.50(a), established the Ocean Research Advisory Panel ("the Panel").
2. Mission/Function: The Panel shall provide independent scientific advice and recommendations to the National Ocean Research Leadership Council ("the Council"). The Council now operates as the National Ocean Council (NOC) as directed by Executive Order 13547. The statutory duties of the Council have been assumed by the NOC Deputy-level Committee ("the Committee").
3. Points of View: Pursuant to 10 U.S.C. § 7903(a), the Panel shall consist of not less than 10 and not more than 18 members, representing the following:
 - a. One member who will represent the National Academy of Sciences.
 - b. One member who will represent the National Academy of Engineering.
 - c. One member who will represent the Institute of Medicine.
 - d. Members selected from among individuals who will represent the views on ocean industries, State Governments, academia, and such other views as the Chairs of the Committee consider appropriate.
 - e. Members selected from individuals who are eminent in the fields of marine science, marine policy, or related fields.

The NOC represents all elements of the U.S. Government with interests in the ocean to promote the national goals of assuring national security, advancing economic development, protecting quality of life, and strengthening science education and communication. Thus, the Panel's interest and responsibility includes activities of the government beyond the normal interest of the DoD.

Panel members, who are not full-time or permanent part-time Federal officers or employees, shall be appointed as experts or consultants pursuant 5 U.S.C. § 3109 to serve as special government employee (SGE) members. Those individuals who are full-time or permanent part-time Federal officers or employees shall be appointed pursuant to 41 C.F.R. § 102-3.130(a) to serve as regular government employee (RGE) members. The DoD, unless provided for by an Act of Congress or Presidential directive, does not use representative members on DoD established or supported advisory committees. No member, unless authorized by the Secretary of Defense, may serve more than two consecutive terms of service on the Panel, to include its subcommittees, or serve on more than two DoD federal advisory committees at one time.

The Panel's membership balance is not static and the Chair of the Committee may appoint and the Secretary of Defense or the Deputy Secretary of Defense may authorize a revised membership based upon work assigned to the Panel by the Committee.

Each member, based upon his or her individual and professional experiences, provides his or her best judgment on the matters before the Panel, and he or she does so without representing any particular point of view and in a manner that is free from conflict of interest.

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4. Other Balance Factors: Candidates for appointment come from academia, the private sector, former senior government employees, or senior military officers. The Panel shall include members who represent the National Academy of Sciences, the National Academy of Engineering and the Institute of Medicine. Based upon an agreement among these institutions and the Council, one member designated by the institutions will represent all three institutions and his or her membership shall be authorized by the Secretary of Defense or the Deputy Secretary of Defense and administratively certified by the Secretary of the Navy. There is also a desire for consideration of geographic balance to ensure the viewpoints of the different coastal and marine localities are represented.
5. Candidate Identification Process: The DoD, in selecting potential candidates for the Panel, reviews the educational and professional credentials of individuals with extensive professional experience in the points of view described above. Potential candidates are identified by an announcement in the Federal Register and discussed with representatives of the Committee. After the identification of a field of possible candidates, a screening committee, under the auspices of the Committee, further narrows the list of potential candidates based on the current needs of the Committee. Once the revised list of potential candidates are identified, the Chairs of the Committee review the credentials of each individual, striving to achieve a balance between the professional credentials of the individual and the near-term subject matters that they anticipate will be reviewed by the Panel.

Once the Chairs of the Committee have identified and approved the list of potential candidates, the list is sent to the Secretary of the Navy in order to initiate the DoD nomination process. Prior to the formal nomination to the Secretary of Defense, the list of potential candidates undergoes a review by the Office of General Counsel of the Department of Defense and the Office of the Advisory Committee Management Officer (ACMO) to ensure compliance with Federal and DoD governance requirements, including compliance with the Panel's statute, charter, and membership balance plan. Following this review, the Secretary of the Navy discusses the potential individuals with the Secretary of Defense or the Deputy Secretary of Defense and receives authorization to proceed with the nominations. The Secretary of the Navy is authorized to administratively certify the appointment of the Panel members that were previously authorized by the Secretary of Defense or the Deputy Secretary of Defense.

Following the Secretary of Defense or the Deputy Secretary of Defense authorization and the Secretary of the Navy's subsequent administrative certification, the candidates are required to complete the necessary appointment paperwork, to include meeting ethics requirements stipulated by the Office of Government Ethics for advisory committee members. Consistent with Deputy Secretary of Defense policy and the authority delegated to the ACMO by the Assistant Deputy Chief Management Officer, the ACMO is authorized to administratively certify the annual renewal of appointment of Panel members. Consistent with authority delegated to DoD sponsors, the Secretary of the Navy will appoint the Panel's Chair from among the membership previously appointed to the Panel in accordance with DoD policies and procedures. All Panel appointments are for a one-to-four-year term of service, with annual renewals.

Membership vacancies for the Panel and any subcommittees will be filled in the same manner as described in the previous three paragraphs.

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6. Subcommittee Balance: The DoD, when necessary and consistent with the Panel's mission and DoD policies and procedures, may establish subcommittees, task forces, or working groups to support the Panel.

Individuals considered for appointment to any subcommittee of the Panel may come from the Panel itself or from new nominees, as recommended by the Secretary of the Navy and based upon the subject matters under consideration. Pursuant to Secretary of Defense policy, the Secretary of the Navy is authorized to administratively certify the appointment of subcommittee members if the Secretary of Defense or the Deputy Secretary of Defense has previously authorized the individual's appointment to the Panel or another DoD advisory committee. If the Secretary of Defense or the Deputy Secretary of Defense has not previously authorized the appointment of the individual to the Panel or another DoD advisory committee, then the individual's subcommittee appointment must first be authorized by the Secretary of Defense or the Deputy Secretary of Defense and subsequently administratively certified by the Secretary of the Navy.

Consistent with the authority delegated to DoD Sponsors, the Secretary of the Navy will appoint the Chair of any appropriately approved subcommittee from among the subcommittee membership previously appointed in accordance with DoD policies and procedures.

Subcommittee members will be appointed for a term of service of one-to-four years, subject to annual renewals. Subcommittee members, if not full-time or permanent part-time Federal officers or employees, will be appointed as experts or consultants pursuant to 5 U.S.C. § 3109 to serve as SGE members. Subcommittee members who are full-time or permanent part-time Federal officers or employees will be appointed pursuant to 41 C.F.R. § 102-3.130(a) to serve as RGE members.

7. Other: As nominees are considered for appointment to the Panel, the DoD adheres to the Office of Management and Budget's Revised Guidance on Appointment of Lobbyists to Federal Advisory Committee, Boards, and Commissions (79 FR 47482; August 13, 2014) and the rules and regulations issued by the Office of Government Ethics.
8. Prepared: April 22, 2016